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8/11/2025

CLERK U.S. DISTRICT COURT
DISTRICT OF ARIZONA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Justin Lane,

Plaintiff,

v.

City of Tucson, et al,

Defendant.

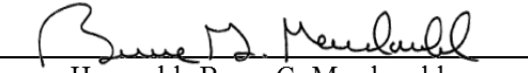
NO. CV-22-00394-TUC-BGM

JUDGMENT IN A CIVIL CASE

Decision by Court. Oral argument held on Defendants' Motion for Judgment as a Matter of Law, (Doc. 124). Defendants' motion is granted in part and denied in part. Defendants' motion as it concerns Plaintiff's First Amendment retaliation claim is denied. Defendants' motion as it concerns Plaintiff's Fourteenth Amendment due process claim is granted. Under Federal Rule of Civil Procedure 50, a party may be entitled to judgment as a matter of law if the opposing party has been fully heard on an issue during trial and the Court finds that a reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue. Fed. R. Civ. P. 50(a)(1). In such a scenario, the Court may resolve the issue against the party and grant a motion for judgment as a matter of law against the party on a claim that, under controlling law, can be maintained only with a favorable finding on that issue. Fed. R. Civ. P. (50)(a)(1)(A), (B). To prevail on a section 1983 Fourteenth Amendment procedural due process claim against the City of Tucson, Plaintiff must prove, by a preponderance of the evidence, that: (i) he had a protected property interest in his police captain assignment; (ii) the City of Tucson deprived him of

1 that interest; and (iii) he was denied adequate procedural protection in the deprivation of
2 that interest. *Portman v. Cnty of Santa Clara*, 995 F.2d 898, 904 (9th Cir. 1993). The Court
3 finds that Plaintiff has failed to provide a legally sufficient evidentiary basis for a
4 reasonable jury to conclude that he had a protected property interest in his police captain
5 assignment. The Court also finds that Plaintiff failed to provide a legally sufficient
6 evidentiary basis for a reasonable jury to conclude that he was denied adequate procedural
7 protection for the deprivation of his alleged interest. Therefore, Judgment is issued against
8 Plaintiff and in favor of Defendant City of Tucson on Plaintiff's Fourteenth Amendment
9 due process claim.

10 Dated this 11th day of August, 2025.

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14 Honorable Bruce G. Macdonald
15 United States Magistrate Judge
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